

How to get a (Special) Prospecting Licence (SPL) / Mining Lease (ML) under the Mining Act, Cap. 146, Laws of Fiji

Steps to getting a (Special) Prospecting Licence (SPL¹) are as follows:

1. Register name of company with Registrar of Companies (both local and overseas Investors). Overseas based investors are to obtain a Foreign Investment Registration Certificate from FTIB.
2. Applicant to provide documentary evidence to Mineral Resources Department (MRD) that it has met requirements of Part XII of the Companies Act.
3. The Applicant company will also have to provide authorization for the appointment of the Accredited Agent and Power of Attorney by formally advising the MRD. This step is for foreign companies that have not established a local administrative or project office in Fiji yet and intend to lodge applications via an agent.
4. The Applicant then contacts Mineral Resources Department (MRD) to apply for a Prospector's Right (via Form 4) which is valid for one year from the date of issue and has a fee of \$ (F) 50.00. Generally, applicants are geologists or experience mineral exploration specialists and compliant to legal requirements.
5. Applicant to identify and outline the area of interest. This can be done by conducting research on your target mineral of interest against available areas for licences. A Tenement Map can be obtained by contacting MRD via the contact details at the end of this check-list.
6. Lodge an application to Director of Mines for Waiver of Pegging, over the area of interest and also attach a topographical map outlining the coordinates of the subject area.
7. The Director of Mines, once satisfied with the application for a waiver would grant an approval of Waiver of Pegging.
8. Thereafter the Applicant has to meet the conditions outlined in the approval for Waiver of Pegging and revert with necessary documentations, to the Director of Mines, within a period of 30-days. Key documentations on technical and financial justification include the following –
 - a. Application for Mining Tenement in Form 1 with the prescribed fee, in Fijian Dollars, are as listed below -
 - i. Filing Fee - \$125.00 (non-refundable)
 - ii. Preparation Fee - \$250.00 (non-refundable)
 - iii. Surface Rental Fee -Based on the subject area². (refundable)
 - b. Proposed work program and expenditure commitment.

¹ (Special) Prospecting Licence is initially granted for a period of 12-months which can be further extended based on the performance assessments which would be benchmarked against the original work program and expenditure commitment.

² (1) For the first 200 ha or part thereof - \$37.50 for each 40 ha or part thereof and

(2) For each additional 40 ha or part thereof in excess of 200 ha - \$18.75.

- c. Details of company registration³.
 - d. Evidence of technical and financial capacity.
 - e. Evidence of landowner consent together with other relevant correspondences from the various agencies responsible for utilisation of native land such as the NLTB, Divisional Commissioners and Roko Tui's of the area concerned.
9. The MRD Tenement Officer forwards the application to the MRD Drawing Office to check the area for overlap / encroachment against other (Special) Prospecting Licences that was issued earlier for same type of target minerals.
 10. Other verification conducted internally is for MRD to ensure that area is not restricted from prospecting activities under Sec. 11 of the Mining Act (e.g. reserved areas)
 11. If there are no overlaps / encroachments nor restrictions, the MRD Tenement Officer then verifies the Surface Rental Fee and advises the applicant in writing accordingly.
 12. Applicant to then submit the rental fees. Note this is deposited into the Mining Trust Fund Account as this is refundable if application is unsuccessful. Please remember to obtain a receipt.
 13. The proposed work program and expenditure is then assessed for technical and financial capacity.
 14. If the Director of Mines is satisfied with the application, the MRD Tenement Officer is then advised to complete Form 2 (Notice of Application for A Special Prospecting Licence) and to send it to the Applicant advising of the next step to undertake the following activities –
 - a. Advertise the Notice of Application for A Prospecting Licence in English and Fijian Dailies together with one through the Fiji Government Gazette Notice.
 - b. Await the outcome of 30-days objection period.
 - c. If no objections are received then the Director of Mines would recommend to the Minister for Lands and Mineral Resources (MLMR) for further consideration of the application in light of the above submissions for licences of the Special category (i.e. above the statutory authorisation limit of the Director)
 - d. If satisfied, then the Minister for Lands and Mineral Resources endorses grant of the licence (of the Special category). Note licences that are with the statutory authority limits of the Director are decided by the Director.
 15. MRD will then advise Applicant of MLMR's Decision. At this stage the Applicant is advised to deposit the applicable bond (security deposit) with Director of Mines which is deposited into the Mining Trust Account at MRD.
 16. Licence documentation is then prepared which includes map, description of the area and special conditions.
 17. Mineral Resources Department than Registers the (Special) Prospecting Licence and forwards the Original to the Applicant with the relevant conditions attached together with a Photo-reduced Copy to the Divisional Commissioner.

³ It is compulsory that the company is locally registered with the Registrar of Companies under the Companies Act. Foreign Investors are also required to acquire Foreign Investment Registration Certificate (FIRC) from FTIB.

Mining Leases⁴ would be granted once Director of Mines has considered and approved the following reports –

- a) Conceptual or Scoping Report
- b) Pre-feasibility Study Report
- c) Feasibility Study Report
- d) Bankable Feasibility Study Report
- e) Mining Report/ Mine Plans/ EIA / EMP / Social Impact Management Plan

For leases outside the statutory authorisation limits, the Director will forward the application to the Minister for consideration and approval.

All prescribed fee have to be paid in full, either cash or via cheque, to the Director of Mines.

Note

Procedures outlined above are generic in nature hence officer's of MRD, as mentioned below, should be contacted on (679) 3 381 611 for further assistance.

- 1. Director of Mines
- 2. Manager Mining Division
- 3. Principal Engineer Mines
- 4. Principal Environmental Officer
- 5. Senior Resource Geologist

Mineral Resources Department
Private Mail Bag
Tel : +679 3381 611
Fax : + 679 3370 039
Web : www.mrd.gov.fj
Email : director@mrd.gov.fj

⁴ Mining Lease – contact MRD for more details on applicable fee.

Check List

	Particulars	Please Tick	Date	Comment
1	Foreign Investment Certificate (Overseas Companies)			Certificate Number
2	Company Registered with RBF & FIRCA			
3	Company Registered With Registrar of Companies			Registration Number
4	Accredited Agent Appointed – MRD notified			
5	Authorisation of Power of Attorney – MRD notified			
6	Obtain information package (via MRD website or MRD office)			
7	Apply for Prospectors Right from MRD – (Form 4)			
8	Prospectors Right Fees Paid \$ (50)			RR Number (Rev. Receipt)
9	Prospectors Right Issued (Form 5)			PR Number
10	Expression of Interest for Exploration lodged (i.e. state area and minerals)			File Number
11	Waiver of Pegging Application Lodged			
12	Waiver of Pegging granted			
13	Form 1 – Completed with Attached Information below submitted.			
14	Filing Fee paid (\$125.00)			RR Number
15	Preparation Fee paid (\$ 250.00)			RR Number
16	Proposed Work Program and Expenditure			
17	Details of Company Registration attached to Form 1			
18	Evidence of Technical & Financial capacity attached to Form 1			Folio Number
19	Evidence of Landowners Consent attached to Form 1			Folio Number
20	Application checked by MRD for Overlap / Encroachment and Restricted / Closed Areas			
21	Surface Rental Fees calculated and Applicant Informed of Fees Due			
22	Form 2 sent to Applicant for advertising			
23	Rental Fees submitted to MRD			RR Number
24	Notice of Application Advertised in Fiji Times			
25	Notice of Application Advertised in The Nai Lalakai			
26	Notice of Application Advertised in Fiji Government Gazette			
27	Applicant sends MRD copies of Advertisements			
28	Await 30 Days Objection Period			
29	MRD assesses objections / application for compliance			
30	Applicant advised of application decision from MRD			

30	If Approved, Applicant Advised of Bond to be Deposited			
31	Bond prepared and submitted to MRD			
32	MRD prepares licence documentation for registration			(S) PL Number
33	Original Copy of Licence Document Sent to Applicant with Relevant Conditions Attached			